

## **CITY COUNCIL MINUTES**

**July 28, 2008**

### **REGULAR SESSION**

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, July 28, 2008 at 6:00 p.m. following a 5:30 Closed Session with Mayor Keith Nesbitt presiding and City Clerk Joseph G.R. Labrie recording the minutes.

#### **CALL TO ORDER**

##### **ROLL CALL:**

**Council Members Present:** Kevin Hanley, J. M. Holmes, Bridget Powers, Keith Nesbitt, Bob Snyder  
(arrived at 5:40 p.m. after roll call)

**Council Members Absent:** None

**Staff Members Present:** City Manager Robert Richardson, City Attorney Michael Colantuono, Community Development Director Will Wong, Senior Planner Reg Murray, Fire Chief Mark D'Ambrogi, Public Works Director Jack Warren, Engineering Division Manager Bernie Schroeder, Transit Analyst Megan Siren, Administrative Services Director Andy Heath

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6: **MOTION: Holmes/Hanley/Approved by Voice (Absent Snyder)**

#### **CONFERENCE WITH LABOR NEGOTIATOR**

G.C 54957.6:

CITY NEGOTIATOR: Mayor Nesbitt and Councilmember Holmes  
*Unrepresented employee:* City Manager

#### **REPORT OUT OF CLOSED SESSION**

No reportable action.

#### **MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS**

Mayor Nesbitt announced that the Auburn Urban Development Authority Meeting that was to precede the Council Meeting will be postponed to follow the City Council Meeting.

## PLEDGE OF ALLEGIANCE

State Assemblyman Ted Gaines addressed the Council. He explained that he was simply trying to stay in touch with all the local entities throughout his Assembly district. He said a vote on the budget in the State Legislature was expected on Tuesday, but was cancelled for additional or corrected language. He advised of some of the budget issues facing the State. He explained the legislation that he has been working on for the City of Auburn regarding Highway 49. Council questions and comments followed.

Pamela Creedon, Executive Officer of the Central Valley Water Quality Control Board addressed the Council. She explained that the Board regulates the City of Auburn for its wastewater treatment facilities. She said the Board is trying to encourage regionalization. She proposed some ideas that she would like the Council to consider in its decision whether or not to choose the regional solution. She advised of the environmental and water quality benefits. She said the requirements to protect surface waters are continually increasing. She said the Board is charged to implement the law. She said wastewater must be treated to the highest level to ensure public health and the well-being of the environment. Council questions and comments followed.

## AGENDA APPROVAL

Phillip Johannsen asked for the postponement of Agenda Item 8 to allow him to obtain new information about the basis of staff and Planning Commission recommendations.

City Attorney Colantuono advised that the Council has a deadline to act on the appeal. He suggested that the request for a continuance be considered at the time the agenda item is to be discussed.

The agenda was approved as presented by consensus of the Council.

## CONSENT CALENDAR

### 1. Minutes

By **MOTION** approve City Council Minutes of June 9 and June 23, 2008.

### 2. Congestion Mitigation and Air Quality Improvement Program Supplement Agreement – Maidu Drive Sidewalk Project

By **RESOLUTION 08-101** authorize the Director of Public Works to execute the Program Supplement No. 005-N1 for Project Number CLM-

5077(010) EA Number 03-928720, in the amount of \$425,144 for the Maidu Drive Sidewalk Project.

3. **East Area Hangar Waterline Extension Project - Permission to Advertise**

By **MOTION** authorize the Director of Public Works to advertise for the East Area Hangar Waterline Extension Project.

4. **Groundwater Monitoring Consultant Agreement at the Auburn Municipal Airport**

By **RESOLUTION 08-102** authorize the Director of Public Works to execute a consultant agreement with JJW Geosciences, Inc. for groundwater well installation, groundwater sampling and a vapor intrusion risk assessment at the Auburn Municipal Airport.

5. **Contract Services Auburn School Park Interpretive Panel Signage Design**

By **RESOLUTION 08-103** authorize the City Manager to execute the Contracting Agreement with Pearson Design, for the completion of the design work of the Interpretive Panel Signage at the Auburn School Park, with a contract amount not to exceed \$7,250.

6. **Contract Services for the Production of the Auburn School Park Interpretive Panel Signs**

By **RESOLUTION 08-104** authorize the City Manager to execute the Contracting Agreement with KVO Industries, Inc., for the production of the Interpretive Panel Signs at the Auburn School Park, with a contract amount not to exceed \$20,566.

\*\*\*\*\* End of Consent Calendar \*\*\*\*\*

By **MOTION** approve the Consent Calendar. **MOTION: Hanley/Holmes/ Approved 5:0**

7. **Public Comment**

Tom Fasiana, 579 Canyon Drive, stated that the City's staff attempt to reduce the noise of the pump station was not successful. He asked that City staff make itself available for discussion of the issue. Mayor Nesbitt referred the item to staff.

## **PUBLIC HEARING**

8. **Appeal – Design Review Permit, Variance, and Tree Permit – 13089  
Lincoln Way (Hampton Inn & Suites) – Files DRP 07-5; VA 07-6; TP  
07-5**

Council Member Snyder stated, “I find it necessary to withdraw from this debate. I have some very close friends that are neighboring property owners, and although it is not a legal requirement, I prefer not to debate this and move on it.” Council Member Snyder left the dais.

Senior Planner Reg Murray introduced the item. He explained that the proposed Hampton Inn was approved by the Planning Commission. He said the City received three appeals of the Planning Commission’s decision within the ten day appeal period following that action. He said the primary issues were building height, the setback from the property line, building relocation, tree loss, design alternatives, sewer upgrades, the environmental review, traffic, ground water, fire safety, and an environmentally friendly design.

Council questions followed regarding building height, the setback, sewer issues, traffic, air quality control concerning construction equipment, tree removal, mitigated negative declaration regarding geological resources, and the absence of separated sidewalks.

Bob Sauvageau, Project Architect, stated that the owner will address the sewer issue. He said if they stayed within the allowable height, it would be a flat roof structure. He advised that the look would be very “boxy” with a very commercial look. He stated that only the entry site is 48’ and is away from the Auburn Woods. He explained the setbacks, sidewalk separation considerations and tree conditions and removal.

Owner representative Garrett Grialou responded to questions about the sewer lift station. He said it was in poor condition and needed to be upgraded. He said it will be about a \$300,000 upgrade. After the upgrade is completed, the City will take over its maintenance. He said there had been a great deal of time spent in consideration of the tree issues to save as many as they could.

Council directed questions to Mr. Sauvageau regarding the trees, fencing and property lines.

Geraldine Suskind, 321 Sierra Place, said that she enters Lincoln Way via Flood Road. She said that when the hotel is built, the traffic at that intersection will be worse than it is at this time. She opposed the project.

Ron Mallory stated that he supported the hotel project.

Ralph Roper, local business owner, supported the project. He said when there is a large event in Auburn, there are not enough hotel rooms to accommodate everyone. He said we have to send people south of Auburn for lodging. He added that if visitors stay in Auburn, they will spend money here, which will assist the local economy.

Bill Prior, 19737 Mt. Vernon Road, stated that he supported the project.

Gary Mapa, 350 Cuckoo Court, Applegate, explained that he plans to retire in his Auburn Woods home. He said he approved of the design and supported the project. He advised that Auburn Woods I filed the appeal and not Auburn Woods II. He said it should not be assumed that all residents are against the project.

Phillip Johannsen asked for a postponement of the item so that he could get a better understanding of the Planning Commission's approval of a three-story building.

Mr. Murray responded by saying that the Planning Commission heard the testimony of the neighbors relative to the building height. He said, by the Commission taking action to approve the project, its membership affirmed that three stories was an appropriately designed project.

City Attorney Colantuono stated that the Planning Commission's reasoning was that approval of a height variance produced a more aesthetic structure than denying it, as the applicant could build a three-story structure without a height variance using a flat roof.

Rich Munster, 569 Canyon Drive, stated that he uses the Russell Road on ramp to I-80 and exits I-80 on the East Lincoln Way off ramp daily. He said he is not opposed to building the hotel, but felt the design could have been such as to make it a better fit to the surrounding terrain. He opposed the height of the building.

Gary Capps, 856 Lincoln Way, said that he concurred with Mr. Roper, Mr. Prior and Mr. Mapa in support of the project.

Mary Dietrich, 175 Ida Street, President of the Auburn Woods Homeowners Association, stated that she owns a condominium unit in Auburn Woods. She said the project will change the living environment

and neighborhood of the residents. She challenged the environmental review. She opposed the loss of so many trees and the height of the building. She said Lincoln Way will be impacted greatly. She said other concerns were the sewer pump station and the signage. She requested denial of the project.

Harvey Roper, 695 Old Airport Road, stated that he grew up in the area, but that changes have occurred. He said he understands the concerns of the Auburn Woods Homeowners Association, but that the location for the hotel is ideal. He supported the project.

Tom Faciana stated that he has lived in the project area for twenty-eight years. He said he opposed the size of the hotel. He stated that it did not fit into the neighborhood. He said the increased traffic will greatly impact the area. He said that he was concerned about tree removal and non-native trees being planted in the area. He opposed the project.

Barbara Ogden, 130 Flood Lane, stated that traffic is currently difficult to maneuver when attempting to turn left from Flood Road. She said the parcel is 12' higher than Auburn Woods, thereby actually creating a four-story structure. She opposed the project.

Council Member Hanley suggested an added condition to the landscape plan adding a "tree shield, questioned the conditions related to the lift station, and inquired about signage in excess of forty feet.

City Attorney Colantuono provided suggested language for the lift station acceptance by the City. Public Works Director Warren responded that he had no concerns about making the station a public facility, but advised that details need to be negotiated between the builder, Auburn Woods and the City.

Mr. Murray stated that, as a preliminary tree plan, the exact species of trees to be planted have not been determined. He said a condition could be added to provide a fast-growing, evergreen species that will attain a certain minimum height.

Council Member Holmes asked if any consideration has been given to energy efficiency with respect to the building. City Attorney Colantuono advised that the City has not adopted any green building standards. He said the City applies the California Standards for energy efficiency.

Council Member Powers asked if the builders are working with Placer County regarding the traffic flow and the stop signs that are in place. Council Member Holmes said that he will speak with the County of Placer regarding the stop signs in the area. Mr. Warren responded that the stop

signs were completely independent of the project. He said months ago the County met with the City and the California Highway Patrol regarding the signs. He said the signs were in response to accidents involving vehicles exiting the freeway. Council Member Powers also questioned the black color of the roof as opposed to tan.

Bob Sauvageau, Architect, stated that the roof could be lightened.

Mayor Nesbitt asked if a meandering tree line could be created to make the landscaping appear more natural. Mr. Sauvageau said pockets can be created with parking in between, but would take some design time. He said he feared losing parking spaces. He advised that without adequate parking, cars could spill out to residential areas. He said they are doing their best to buffer the site.

City Attorney provided wording for revised conditions:

Add Condition 7i: "South property line adjacent landscaping shall use fast-growing, evergreen trees which can be expected to achieve a height of 25' and may reduce parking by up to 6 spaces as necessary to accommodate large, mature trees with full canopies capable of screening the site."

Condition 47: Change the last sentence to read: "If the owner(s)' consent is obtained as referenced above and the improvements meet City standards, the City will accept an offer of dedication of those facilities."

Council Member Hanley agreed with Mayor Nesbitt's evaluation of the current status of the property. Mr. Hanley stated that it is a site for illegal dumping and a homeless camp. He said the property is zoned "commercial," and the action is not a rezone. He said he agreed that there are many trees that are dead or in poor condition. He concurred that City should work with the County on traffic issues. He said he agreed with many of the residents that the hotel will be a nice addition to the City. Lastly, Mr. Hanley stated that it would create additional tax revenue to the City that would benefit its citizens.

By **RESOLUTION 08-105** deny the appeals of Faragd Gilanfarr, Richard Munster and Thomas Faciana and the Auburn Woods I Home Owners Association and approve a design review permit, variance, and tree permit for the Hampton Inn & Suites Project located at 13089 Lincoln Way, with the amendments noted by the City Attorney. **MOTION:**  
**Holmes/Hanley/Approved 4:0 (Abstain Snyder)**

## **RECESS**

The Council recessed from 9:00 p.m. to 9:10 p.m.

## RECONVENE

Mayor Nesbitt reconvened the meeting at 9:10 p.m. with Council Member Snyder in attendance.

### 9. **Weed Abatement Public Protest Hearing**

Fire Chief Mark D'Ambrogi introduced the item. He explained that the public protest hearing is to allow the listed property owners to voice any concern or complaints they may have, and for Council to order abatement.

Council Member Holmes stated that he received a call regarding weeds on the corner of Elm and Landis. He said he was pleased to see the property on the list.

By **RESOLUTION 08-106** authorize the Fire Chief to abate those properties that have been posted and notified as a public nuisance, and have not complied with "Notices to Remove." **MOTION: Holmes/ Powers/Approved 5:0**

## REPORTS

### 10. **City Council Committee Reports**

Council Member Powers stated that there will be a hazardous waste disposal site provided in the City on the weekend of the 23<sup>rd</sup> and 24<sup>th</sup> of August.

## ADJOURNMENT

Mayor Nesbitt, without objection, adjourned the meeting at 9:13 p.m. to the meeting of the Auburn Urban Development Authority.

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Keith Nesbitt, Mayor

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Joseph G. R. Labrie, City Clerk